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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,800	12/20/2004	Christopher Ledger	102792-383	3625
27389	7590	06/21/2010		
PARFOMAK, ANDREW N. NORRIS MCLAUGHLIN & MARCUS PA 875 THIRD AVE, 8TH FLOOR NEW YORK, NY 10022			EXAMINER WOOD, ELLEN S	
			ART UNIT 1782	PAPER NUMBER
			MAIL DATE 06/21/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,800

Applicant(s)

LEDGER ET AL.

Examiner

ELLEN S. WOOD

Art Unit

1782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 and 12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/01/2010 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant states in claim 1 "and water in an amount of 50-98% in each case by weight of the total weight of the liquid composition". What does "in each case by weight" define? Are there more than one compositions that applicant is claiming in claim 1? The claim is indefinite for failing to particularly point out and distinctly claim the subject matter.

4. Claims 1-10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed ranges in claim 1 do not amount

to 100% when added together. Taking the lower limits of components and the highest amount for water the composition would be 98.1%. What component is the remaining 1.9%? Taking the higher limits of the components and the lowest amount of water the composition amounts to 85.2%. What component is the remaining 14.8%? The claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 1 states that "0-10% wt. of an anti-static compound". The published specification states that anti-static agent is present in an amount of at least 0.05%, and most preferably at least 0.1, by weight of the total weight of the cleaning composition" [0030]. Claim 1 states that 0-20%wt. of a C₁-C₄ alcohol carrier or cleaner. The published specification states that the alcohol is present in an amount of at least 0.5% [0018-0019]. Claim 2 states wherein the wax is present in the composition in an amount of between 0.1% to 3% by weight of the total weight of the liquid composition. The published specification states that the wax is present in an amount of between 0.01% to 5% [0013].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 5,700,768) in view of Ghodoussi et al. (US 6,669,763, hereinafter "Ghodoussi") in view of Leacock (EP 0392316).

In regards to claims 1-3 and 12, Lu discloses a improved floor cleaning compositions featuring low residue/film formation, methods for their production and processes for their use (abstract). The composition is used for flooring materials such as wooden flooring materials (col. 2 lines 60-61). The composition comprises a nonionic surfactant, an amphoteric hydrotrope, an anionic surfactant composition and water (col. 3 lines 42-48). Other further constituents may be added such as, fragrances, preservatives, antioxidants, as well as other conventional additives known in the art relating to floor cleaning compositions (col. 3 lines 49-53). The nonionic surfactant include an alcohol carrier (col. 3 lines 60-65). The fragrance is present in amount of up to about 0.5% by weight of the total composition (col. 9 lines 18-23). Water is present in excess of between 95% and 99% based on the total weight of Constituents A-D (col. 8 lines 21-38). The floor cleaning compositions are used in a conventional manner (col. 10 lines 57-59). The composition of Lu does not use a silicone compound.

Lu is silent with the use of a wax in the formulation for cleaning a surface and a moist wipe.

Ghoduoussi discloses a composition that can be applied to multiple surfaces including wood (col. 3 lines 11-14). The composition comprises at least one wax, at least one surfactant, and between 40% to 99.8% water (col. 4 lines 58-61). The wax component can be paraffin wax (col. 6 lines 33-36). The total wax present can vary from 0.01% to 50% of the total weight of the composition (col. 5 lines 66-67), but preferably from 0.01% to 10% of the total weight of the composition (col. 6 lines 1-2). The emulsion contains levels of silicon in the levels of 0% to 5% of the total weight of the composition (col. 6 lines 14-20). Ghoduoussi discloses that the nonionic surfactants can be alkyl alcohols having 4 to 20 carbon atoms (col. 8 lines 1-7).

Ghoduoussi is silent with regards to the cleaning composition being disposed on a sheet material.

Leacock discloses a wiper for one step polishing and protecting of a hard surface such as wood (abstract). The wipe comprises a non-woven substrate impregnated with a liquid polish composition (abstract). The wipe comprises a suitable non-woven material having good wet strength and fluid absorbency (pg. 3 line 24). The amount of liquid composition loaded onto the wipe is within the range of instant applicant (examples 1-6). The composition is loaded onto the substrate by procedures well known in the art such as by spraying or immersion (pg 6 lines 32-36). The sheets should be packaged in a manner, which will maintain them in a moist condition. They may be individually packaged in moisture impervious envelopes or packaged in bulk form in canisters provided with suitable dispensing openings (pg. lines 14-19). Leacock gives reference to U.S. Pat. No. 4,017,002, which discloses an airtight container for an

elongated web of perforated wet impregnated tissue-like material, the web being free-flowing, having a minimum friction within the container and provides a removable cap adapted to form a tight fit with the container (pg. 6 line 19).

It would be obvious to one of ordinary skill in the art at the time of the invention to use the paraffin wax of Ghodoussi with the cleaning formulation of Lu, because the wax forms a water repellant film (Ghodoussi col. 6 lines 32-33), which would aid in a protective barrier for a hard surface sought after in Lu.

It would be obvious to one of ordinary skill in the art at the time of the invention that a cleaning wipe could be formed using the same impregnation techniques but with various types of cleaning compositions. Therefore, it would be obvious to combine the cleaning composition of the combination of Lu and Ghodoussi with the method of production of Leacock to form a wipe that provides a layer that is water-resistant to reduce the formation of water stains on wood surfaces in an affordable and convenient fashion such as a disposable wet wipe (Ghodoussi col. 3 lines 6-10).

Response to Arguments

8. Applicant's arguments with respect to claims 1-10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLEN S. WOOD whose telephone number is (571)270-3450. The examiner can normally be reached on M-F 730-5 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ELLEN S WOOD/
Examiner, Art Unit 1782

/Rena L. Dye/
Supervisory Patent Examiner, Art Unit 1782